

## **REMARKS**

The Office Action dated July 9, 2008, has been received and the preceding amendments and following remarks form a full and complete response thereto. Claims 1 and 20 have been amended only to clarify the claims and thus, no new search is required. No new matter is added by way of the amendment and its entry is respectfully requested.

With regard to the rejections of claims 1-5, 7-12 and 14-18 under 35 U.S.C. § 112, second paragraph, the Examiner asserts that the claims remain unclear because there is no restriction on which partner of the bioaffinity binding pair is anchored on the ghost and the carrier material and it is thus unclear how the ghosts are closed. Furthermore, the Examiner asserts that if one partner is bound to a carrier and one partner is bound to a ghost, it is unclear how the ghost would be closed. Applicants submit that the Examiner is incorrectly reading the claim to mean that a single binding partner is bound to the ghost and a single binding partner is bound to the carrier.

While not acquiescing to the propriety of the Office's reasoning, Applicant has obviated the rejection by amending independent claim 1 to specify that partners (P1) are anchored to the lysis tunnel of said ghosts, partners (P2) are anchored to the surface of said carrier materials, and closure takes place by way of P1-P2 interaction. Support for this amendment can be found in the paragraph bridging pages 16 and 17 of the specification as well as in Figure 2. Thus, as currently amended, claim 1 recites partners (plural) bound to both the ghost lysis tunnel and the carrier material and therefore excludes a single partner bound to a ghost and a single partner bound to a

carrier material. Applicants submit that claim 1 is clear and definitively points out and distinctively claims a method for preparing closed bacterial ghosts. Based on the above reasoning, Applicants believe that claim 1 is allowable and claims 2-5, 7-12, and 14-18, depending from claim 1, are allowable for at least the above reasons. Applicants request that the rejection be withdrawn and that claims 1-5, 7-12 and 14-18 be allowed.

Claim 20 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner asserts that it is unclear how one obtains the claimed closed ghosts under the embodiments wherein all of the partners are in free form, all partners are immobilized on the membrane, and all partners are immobilized on the carrier materials. The Examiner asserts that the interactions between the binding partners would appear to result in the ghosts binding to the carrier in the unclosed manner, or the free form binding partners binding without any closure of the ghosts due to binding of P1-P2 of free forms, or P1-P2 binding of free form with the partner on the carrier material. Applicants submit that the Examiner's assertion does not fully take into account the limitations of the claim. Claim 20 recites the closure takes place by way of a P1-P2-P1 interaction and thus P1-P2 to free form only is excluded by the recited claim language.

While not acquiescing to the propriety of the Office's reasoning, Applicant has obviated the rejection by amending independent claim 20 to specify that partners (P1) are anchored to the lysis tunnel and to the surface of said carrier materials, partners (P2) are present in free form, and closure takes place by way of a P1-P2-P1 interaction. Support for this amendment can be found on page 17, lines 19-24 of the specification as well as in Figure 3. Thus, as currently amended, claim 20 recites partners P1 (plural)

bound to the ghost lysis tunnel and to the carrier material and therefore excludes a single partner bound to a ghost or a single partner bound to a carrier material.

Applicants submit that claim 20 is clear and definitively points out and distinctively claims a method for preparing closed bacterial ghosts using a P1-P2-P1 interaction. Based on the above reasoning, Applicants believe that claim 20 is allowable and request withdrawal of the outstanding rejection.

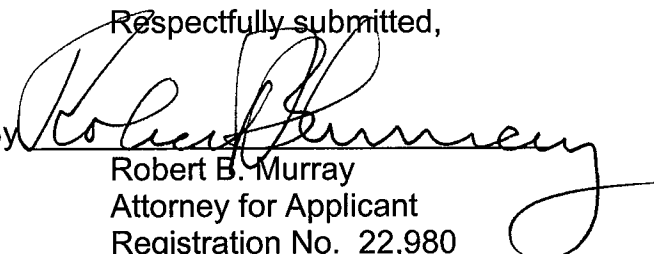
Applicants submit that these amendments a mere clarification of the claimed subject matter and a new search is not required. Language similar to the added recitation was indeed recited in claim 5 and has already been examined. Thus, these clarifying amendments have been made to advance prosecution and a Notice of Allowance is respectfully requested.

In view of the above amendments and remarks hereto, Applicants believe that all of the Examiner's rejections set forth in the July 9, 2008 Office Action have been fully overcome and that the present claims fully satisfy the patent statutes. Applicants, therefore, believe that the application is in condition for allowance. The Director is authorized to charge any fees or overpayment to Deposit Account No. 02-2135.

The Examiner is invited to telephone the undersigned if it is deemed to expedite allowance of the application.

Respectfully submitted,

By

  
Robert B. Murray  
Attorney for Applicant  
Registration No. 22,980  
Rothwell, Figg, Ernst & Manbeck

1425 K Street, N.W., Suite 800  
Washington, D.C. 20005  
PH: 202-783-6040  
FAX: 202-783-6031

1538337